

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

ROBERT L. MACKEY,

Petitioner,

-vs-

MICHAEL SHEETS, Warden,

Respondent.

:

Case No. 3:12-cv-073

:

District Judge Thomas M. Rose
Magistrate Judge Michael R. Merz

:

ORDER STRIKING REPLY

This habeas corpus case is before the Court on the filing of Petitioner's Reply to Respondent's Return of Writ (Doc. No. 13). The Reply is sixty-nine pages long. S. D. Ohio Civ. R. 7.2(a)(3) provides:

Limitation Upon Length of Memoranda. Memoranda in support of or in opposition to any motion or application to the Court should not exceed twenty (20) pages. In all cases in which memoranda exceed twenty (20) pages, counsel must include a combined table of contents and a succinct, clear and accurate summary, not to exceed five (5) pages, indicating the main sections of the memorandum, the principal arguments and citations to primary authority made in each section, as well as the pages on which each section and any sub-sections may be found.

This Court's General Order No. Day 12-01, the General Order on Pretrial and Trial Procedures for all of the Judges at the Dayton location of Court, provides:

2. Length of Memoranda

Memoranda in support of or in opposition to any motion shall not exceed twenty pages without first obtaining leave of Court (which in Judge Rose's cases must be requested at least three working days in

advance of the deadline for filing the document). The request must include a proposed page length and the reasons for exceeding the usual page limit. If leave of Court is granted, counsel must also comply with the table of contents and summary requirements of S. D. Ohio Civ. R. 7.2(a)(3).

The Reply was filed without complying with either S. D. Ohio Civ. R. 7.2(a)(3) or the General Order on Pretrial and Trial Practice in that no permission was sought to exceed the 20-page presumptive limit and the Reply does not include the required table of contents and summary.

The Reply is accordingly STRICKEN without prejudice to its refiling in compliance with the noted requirements not later than August 27, 2012.

August 23, 2012.

s/ *Michael R. Metz*
United States Magistrate Judge